

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 8

CONTROL OF HAZARDOUS AIR POLLUTANTS

5 CCR 1001-10

PART A. Federal NESHAPs

I. Federal NESHAPs

The provisions of Part 61, Chapter I, Title 40, of the Code of Federal Regulations (CFR), promulgated by the U.S. Environmental Protection Agency listed in this section are hereby incorporated by reference by the Air Quality Control Commission and made a part of the Colorado Air Quality Control Commission Regulations. Materials incorporated by reference are those in existence as of the dates indicated and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246, or may be examined at [any state publications depository library](#) [the State Publications Depository and Distribution Center](#). Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission.

All new sources of air pollution and all modified or reconstructed sources of air pollution shall comply with the standards, criteria, and requirements set forth herein. For the purpose of this regulation "Administrator" shall mean both the Administrator of the Environmental Protection Agency or his/her authorized representative and the Colorado Air Pollution Control Division.

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| Subpart A | General p Provisions (including 51 Federal Register 12429-12430, March 16, 1994), 40 C.F.R. Part 61 (July 1, 19952010), and as amended on February 12, 1999 (64 FR 7458), October 17, 2000 (65 FR 61744), and December 14, 2000 (65 FR 78268). |
| Subpart B | National Emission Standards for Radon Emissions from Underground Uranium Mines. 40 C.F.R. Part 61 (July 1, 1998 <u>2010</u>). |
| Subpart C | National Emission Standard for Beryllium. 40 C.F.R. Part 61 (July 1, 2010 <u>1998</u>). |
| Subpart D | National Emission Standard for Beryllium Rocket Motor Firing. 40 C.F.R. Part 61 (July 1, 1998 <u>2010</u>). |
| Subpart E | National Emission Standard for Mercury. 40 C.F.R. Part 61 (July 1, 2010 <u>1998</u>). |
| Subpart F | National Emission Standard for Vinyl Chloride. 40 C.F.R. Part 61 (July 1, 1998 <u>2010</u>). |
| Subpart H | National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities. 40 C.F.R. Part 61 (July 1, 1998 <u>2010</u>), and as amended on September 9, 2002 (67 FR 57159). |
| Subpart J | National Emission Standard for Equipment leaks (fugitive Emission sources) of Benzene. 40 C.F.R. Part 61 (July 1, 1998 <u>2010</u>), and as amended on December 14, 2000 (65 FR 78268). |

- Subpart K National Emission Standards for Radionuclide Emissions from Elemental Phosphorous Plants, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart L National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart N National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart O National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart P National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart Q National Emission Standards for Radon Emissions From Department of Energy Facilities, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart R National Emission Standards for Radon Emissions from Phosphogypsum Stacks, 40 C.F.R. Part 61 (July 1, ~~1998~~2010) ~~and as amended on February 3, 1999 (64 FR 5574)~~.
- Subpart T National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart V National Emission Standard for Equipment Leaks (~~fugitive~~ Fugitive Emission Sources), 40 C.F.R. Part 61 (July 1, ~~1998~~2010), ~~and as amended on December 14, 2000 (65 FR 78268)~~.
- Subpart W National Emission Standards for Radon Emissions from Operating Mill Tailings, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart Y National Emission Standard for Benzene Emissions from Benzene Storage Vessels, 40 C.F.R. Part 61 (July 1, ~~1998~~2010), ~~and as amended on December 14, 2000 (65 FR 78268)~~.
- Subpart BB National Emission Standard for Benzene Emissions from Benzene Transfer Operations, 40 C.F.R. Part 61 (July 1, ~~1998~~2010).
- Subpart FF National Emission Standard for Benzene Waste Operations, 40 C.F.R. Part 61 (July 1, ~~1998~~2010), ~~as amended on November 12, 2002 (67 FR 68526) and December 4, 2003 (68 FR 67932)~~.

II. Statements of Basis, Specific Statutory Authority and Purpose for Part A

II.I June 17, 2011

Incorporations by Reference of Federal Amendments of Federal Amendments to Federal Standards in 40 C.F.R. Part 61 into Regulation No. 8, Part A.

Background

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. (1988), Sections 24-4-103(4) and (12.5) for adopted or modified regulations, and with the requirements of Federal regulations incorporated by reference.

Basis

The EPA has promulgated revisions to current standards in 40 C.F.R. Part 61. The State of Colorado is required under Section 112 of the Clean Air Act to adopt such revisions and new standards into its regulations. This rulemaking adopts these revisions.

Authority

Sections 25-7-105(1)(b) and 25-7-109(2)(h) and – 109(4), C.R.S. (1999) authorize the Commission to adopt emission control regulations and emission control regulations relating to hazardous air pollutants respectively.

Purpose

Adoption of the federal amendments to standards in 40 C.F.R. Part 61 will make these revisions enforceable under Colorado law.

Further, these revisions will include corrections of any typographical, grammatical and formatting errors throughout the regulation.

PART E. Federal Maximum Achievable Control Technology (MACT)

I. General Provisions

The provisions of Part 63, Chapter I, Title 40, of the Code of Federal Regulations (CFR), promulgated by the U.S. Environmental Protection Agency listed in this section are hereby incorporated by reference by the Air Quality Control Commission and made a part of the Colorado Air Quality Control Commission Regulations. Materials incorporated by reference are those in existence as of the dates indicated and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246, or may be examined at the State Publications Depository and Distribution Center~~any state publications depository library~~. Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission.

For the purpose of this section of this regulation, the word "Administrator" as used in the C.F.R. shall mean the Colorado Air Pollution Control Division. References to 40 CFR part 70 or operating permit issuance shall relate to the Colorado Operating Permit program contained in Colorado Regulation No. 3, Parts A and C. Operating permits issued under these general provisions shall be issued by the Colorado Air Pollution Control Division under Colorado Regulation No. 3, Parts A and C. The phrases "HAP", "HAPs" or "listed HAPs" shall mean those substances listed in Colorado Regulation No. 3, Appendix B.

Subpart A National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions, 40 CFR Part 63 (July 1, 2008~~2010~~)and as amended on December 22, 2008 (73FR78199).

For the purpose of this subpart A, the term "performance track member" shall mean a stationary source that is a member of both the U.S. Environmental Protection Agency's National Environmental Performance Track and the Colorado Department of Public Health and Environment's Environmental Leadership Program at the gold-level or higher.

II. Reserved

III. Federal Maximum Achievable Control Technology

The regulations promulgated by the U. S. Environmental Protection Agency listed in this section are hereby incorporated by reference by the Air Quality Control Commission and made a part of the Colorado Air Quality Control Commission Regulations. Materials incorporated by reference are those in existence as of the dates indicated and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246, or may be examined at any state publications depository library. Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission.

"Administrator" as used in the C. F. R. shall mean the Colorado Air Pollution Control Division.

~~###Subpart AF-~~ National Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks, 40 C. F. R. Part 63, Subparts F, ~~G, H, and I~~ (July 1, ~~2008~~2010) ~~and as amended on December 22, 2008 (73FR78199).~~

Subpart G National Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks, 40 C. F. R. Part 63, Subparts G (July 1, 2010).

Subpart H National Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks, 40 C. F. R. Part 63, Subparts H (July 1, 2010).

Subpart I National Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks, 40 C. F. R. Part 63, Subparts I (July 1, 2010).

Subpart J National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production, 40 C.F.R. Part 63, Subpart J (July 1, 2010).

Subpart ~~###BM-~~ National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, 40 C. F. R. Part 63, Subpart M (July 1, ~~2008~~2010) ~~and as amended on July 11, 2008 (73FR39874).~~ The owner or operator of any source required pursuant to 40 C.F.R. Part 63, Subpart M to obtain a Regulation No. 3, Part C Operating Permit, if not a major source or located at a major source as that term is defined at 40 C.F.R. Part 70.2, is permanently exempted from submitting an application for such permit as of December 19, 2005 (70 FR 75319).

Subpart N National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, 40 C.F.R. Part 63, Subpart N (July 1, 2010). The owner or operator of any source required pursuant to 40 C.F.R. Part 63, Subpart N to obtain a Regulation No. 3, Part C Operating Permit, if not a major source or located at a major source as that term is defined at 40 C.F.R. Part 70.2, is permanently exempted from submitting an application for such permit as of December 19, 2005 (70 FR 75319).

Subpart O National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Sterilization and Fumigation Operations, 40 C.F.R. Part 63, Subpart O (July 1, 2010). The owner or operator of any source required pursuant to 40 C.F.R. Part 63, Subpart O to obtain a Regulation No. 3, Part C Operating Permit, if not a major source or

located at a major source as that term is defined at 40 C.F.R. Part 70.2, is permanently exempted from submitting an application for such permit as of December 19, 2005 (70 FR 75319).

Subpart Q National Emissions Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers, 40 C.F.R. Part 63, Subpart Q (July 1, 2010).

Subpart R National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), 40 C.F.R. Part 63, Subpart R (July 1, 2010).

Subpart S National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production, 40 C.F.R. Part 63, Subpart S (July 1, 2010).

Subpart ~~III.CT~~ National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning, 40 C.F.R. Part 63, Subpart T (July 1, ~~2008~~2010). The owner or operator of any source required pursuant to 40 C.F.R. Part 63, Subpart T to obtain a Regulation No. 3, Part C Operating Permit, if not a major source or located at a major source as that term is defined at 40 C.F.R. Part 70.2, is permanently exempted from submitting an application for such permit as of December 19, 2005 (70 FR 75319).

Subpart U National Emission Standards for Hazardous Air Pollutants: Group 1 Polymers and Resins, 40 C.F.R. Part 63, Subpart U (July 1, 2010).

Subpart ~~III.GW~~ National Emissions Standards for Hazardous Air Pollutants: Epoxy Resins Production and Non-Nylon Polyamides Production, 40 C.F.R. Part 63, Subpart W (July 1, ~~2008~~2010).

Subpart ~~III.X~~ National Emissions Standards for Hazardous Air Pollutants from Secondary Lead Smelting, 40 C.F.R. Part 63, Subpart X (July 1, ~~2008~~2010). The owner or operator of any source required pursuant to 40 C.F.R. Part 63, Subpart X to obtain a Regulation No. 3, Part C Operating Permit, if not a major source or located at a major source as that term is defined at 40 C.F.R. Part 70.2, is deferred from submitting an application for such permit until December 9, 2005.

Subpart AA National Emission Standards for Hazardous Air Pollutants for Source Category: Phosphoric Acid Manufacturing and Phosphate Fertilizers Production, 40 C.F.R. Part 63, Subpart AA (July 1, 2010).

Subpart ~~III.KCC~~ National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries, 40 C.F.R. Part 63, Subpart CC (July 1, ~~2008~~2010).

Subpart DD National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations, 40 C.F.R. Part 63, Subpart DD (July 1, 2010).

Subpart EE National Emission Standards for Hazardous Air Pollutants Final Standards for Hazardous Air Pollutant Emissions from Magnetic Tape Manufacturing Operations, 40 C.F.R. Part 63, Subpart EE (July 1, 2010).

Subpart ~~III.LGG~~ National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities, 40 C.F.R. Part 63, Subpart GG (July 1, ~~2008~~2010).

- Subpart HH National Emission Standards for Hazardous Air Pollutants for Source Category: Oil and Natural Gas Production and Natural Gas Transmission and Storage, 40 C.F.R. Part 63, Subparts HH (July 1, 2010).
- Subpart II National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair, 40 C.F.R. Part 63, Subpart II (July 1, 2010).
- Subpart ~~III-MJJ-~~ National Emission Standards for Hazardous Air Pollutants: Wood Furniture Manufacturing Operations, 40 C.F.R. Part 63, Subpart JJ (July 1, ~~2008~~2010).
- Subpart ~~III-OKK-~~ National Emission Standards for Hazardous Air Pollutants: Printing and Publishing Industry, 40 C.F.R. Part 63, Subpart KK (July 1, ~~2008~~2010).
- Subpart ~~III-TLL-~~ National Emission Standards for Hazardous Air Pollutants for Source Category: Primary Aluminum Reduction Plants, 40 C.F.R. Part 63, Subpart LL (July 1, ~~2008~~2010).
- Subpart MM National Emission Standards for Hazardous Air Pollutants for Source Category: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semi-chemical Pulp Mills, 40 C.F.R. Part 63, Subpart MM (July 1, 2010).
- Subpart OO National Emission Standards for Tanks - Level 1, 40 C.F.R., Part 63, Subpart OO (July 1, 2010).
- Subpart PP National Emission Standards for Containers, 40 C.F.R., Part 63, Subpart PP (July 1, 2010).
- Subpart XX National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations, 40 C.F.R. Part 63, Subpart XX (July 1, 2010).
- Subpart YY National Emission Standards for Hazardous Air Pollutants for Source Category: Generic Maximum Achievable Control Technology Standard for Acetal Resins Production, Acrylic and Modacrylic Fiber Production, Hydrogen Fluoride Production, and Polycarbonate(s) Production, 40 C.F.R. Part 63, Subpart YY (July 1, 2010).
- Subpart CCC National Emission Standards for Hazardous Air Pollutants for Source Category: Steel Pickling-HCL Process Facilities and Hydrochloric Acid Regeneration Plants, 40 C.F.R. Part 63, Subpart CCC (July 1, 2010).
- Subpart DDD National Emission Standards for Hazardous Air Pollutants for Source Category: Mineral Wool Production, 40 C.F.R. Part 63, Subpart DDD (July 1, 2010).
- Subpart EEE National Emission Standards for Hazardous Air Pollutants for Source Category: Hazardous Waste Combustors, 40 C.F.R. Part 63, Subpart EEE (July 1, 2010).
- Subpart ~~III-UGGG-~~ National Emission Standards for Hazardous Air Pollutants for Source Category: Pharmaceuticals Production, 40 C.F.R. Part 63, Subpart GGG (July 1, ~~2008~~2010) and as amended on December 22, 2008 (73FR78199).
- Subpart HHH National Emission Standards for Hazardous Air Pollutants for Source Category: Oil and Natural Gas Production and Natural Gas Transmission and Storage, 40 C.F.R. Part 63, Subparts HHH (July 1, 2010).

Subpart ~~III.VIII~~- National Emission Standards for Hazardous Air Pollutants for Source Category: Flexible Polyurethane Foam Production, 40 C.F.R. Part 63, Subpart III (July 1, ~~2008~~2010).

Subpart JJJ National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins, 40 C.F.R. Part 63, Subpart JJJ (July 1, 2010).

Subpart ~~III.DD.LLL~~- National Emission Standards for Hazardous Air Pollutants for Source Category: Portland Cement Manufacturing, 40 C.F.R. Part 63, Subpart LLL (July 1, ~~2008~~2010).

Subpart ~~III.EE.MMM~~- National Emission Standards for Hazardous Air Pollutants for Source Category: Pesticide Active Ingredient Production, 40 C.F.R. Part 63, Subpart MMM (July 1, ~~2008~~2010).

Subpart ~~III.FF.NNN~~- National Emission Standards for Hazardous Air Pollutants for Source Category: Wool Fiberglass Manufacturing, 40 C.F.R. Part 63, Subpart NNN (July 1, ~~2008~~2010).

Subpart OOO National Emission Standards for Hazardous Air Pollutants for Source Category: Amino/Phenolic Resins Production, 40 C.F.R. Part 63, Subpart OOO (July 1, 2010).

Subpart PPP National Emission Standards for Hazardous Air Pollutants for Source Category: Polyether Polyols Production, 40 C.F.R. Part 63, Subpart PPP (July 1, 2010).

Subpart QQQ National Emission Standards for Hazardous Air Pollutants for Primary Copper, 40 C.F.R. Part 63, Subpart QQQ (July 1, 2010).

Subpart RRR National Emission Standards for Hazardous Air Pollutants for Source Category: Secondary Aluminum Production, 40 C.F.R. Part 63, Subpart RRR (July 1, 2007). The owner or operator of any source required pursuant to 40 C.F.R. Part 63, Subpart RRR to obtain a Regulation No. 3., Part C Operating Permit, if not a major source or located at a major source as that term is defined at 40 C.F.R. Part 70.2, is permanently exempted from submitting an application for such permit as of December 19, 2005 (70 FR 75319).

Subpart ~~III.HH.TTT~~- National Emission Standards for Hazardous Air Pollutants for Source Category: Primary Lead Smelting, 40 C.F.R. Part 63, Subpart TTT (July 1, ~~2008~~2010).

Subpart UUU National Emission Standards for Hazardous Air Pollutants for Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Plants at Petroleum Refineries, 40 C.F.R. Part 63, Subpart UUU (July 1, 2010).

Subpart VVV National Emission Standards for Hazardous Air Pollutants for Source Category: Publicly Owned Treatment Works, 40 C.F.R. Part 63, Subpart VVV (July 1, 2010).

Subpart ~~III.IXXX~~- National Emission Standards for Hazardous Air Pollutants for Source Category: Ferroalloys Production: Ferromanganese and Silicomanganese, 40 C.F.R. Part 63, Subpart XXX (July 1, ~~2008~~2010).

Subpart AAAA National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills, 40 C.F.R. Part 63, Subpart AAAA (July 1, 2010).

Subpart CCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Manufacturing of Nutritional Yeast, 40 C.F.R. Part 63, Subpart CCCC (July 1, 2010).

Subpart DDDD National Emissions Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products, 40 C.F.R. Part 63, Subpart DDDD (July 1, 2010).

Subpart EEEE National Emissions Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline), 40 C.F.R. Part 63, Subpart EEEE (July 1, 2010).

Subpart FFFF National Emissions Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing, 40 C.F.R. Part 63, Subpart FFFF (July 1, 2010).

Subpart ~~HH~~GGGG National Emission Standards for Hazardous Air Pollutants for Source Category: Solvent Extraction for Vegetable Oil Production, 40 C.F.R. Part 63, Subpart GGGG (July 1, ~~2008~~2010).

Subpart HHHH National Emission Standards for Hazardous Air Pollutants for Wet Formed Fiberglass Mat Production, 40 C.F.R. Part 63, Subpart HHHH (July 1, 2010).

Subpart IIII National Emissions Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks, 40 C.F.R. Part 63, Subpart IIII (July 1, 2010).

Subpart JJJJ National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coating, 40 C.F.R. Part 63, Subpart JJJJ (July 1, 2010).

Subpart KKKK National Emissions Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans, 40 C.F.R. Part 63, Subpart KKKK (July 1, 2010).

Subpart MMMM National Emissions Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products, 40 C.F.R. Part 63, Subpart MMMM (July 1, 2010).

Subpart NNNN National Emission Standards for Hazardous Air Pollutants for Large Appliance Manufacturing, 40 C.F.R. Part 63, Subpart NNNN (July 1, 2010).

Subpart OOOO National Emission Standards for Hazardous Air Pollutants for Printing, Coating, and Dyeing of Fabrics and Other Textiles, 40 C.F.R. Part 63, Subpart OOOO (July 1, 2010).

Subpart PPPP National Emissions Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products, 40 C.F.R. Part 63, Subpart PPPP (July 1, 2010).

Subpart QQQQ National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products, 40 C.F.R. Part 63, Subpart QQQQ (July 1, 2010).

Subpart RRRR National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Furniture, 40 C.F.R. Part 63, Subpart RRRR (July 1, 2010).

Subpart SSSS National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Coil, 40 C.F.R. Part 63, Subpart SSSS (July 1, 2010).

- Subpart TTTT National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations, 40 C.F.R. Part 63, Subpart TTTT (July 1, 2010).
- Subpart UUUU National Emission Standards for Hazardous Air Pollutants for Cellulose Production Manufacturing, 40 C.F.R. Part 63, Subpart UUUU (July 1, 2010).
- Subpart ~~III.QQVVVV~~ National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, 40 C.F.R. Part 63, Subpart VVVV (July 1, ~~2008~~2010).
- Subpart ~~III.AAA~~XXXX National Emission Standards for Hazardous Air Pollutants for Tire Manufacturing, 40 C.F.R. Part 63, Subpart XXXX (July 1, ~~2008~~2010).
- Subpart YYYY National Emissions Standards for Hazardous Air Pollutants for Stationary Combustion Turbines, 40 C.F.R. Part 63, Subpart YYYY (July 1, 2010).
- Subpart ZZZZ National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 C.F.R. Part 63, Subpart ZZZZ (July 1, 2007).
- Subpart AAAAA National Emissions Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, 40 C.F.R. Part 63, Subpart AAAAA (July 1, 2010).
- Subpart ~~III.HHHBBBBB~~ National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing, 40 C.F.R. Part 63, Subpart BBBB (July 1, ~~2008~~2010) and as amended on December 22, 2008 (73FR42529).
- Subpart ~~III.III~~CCCCC National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, 40 C.F.R. Part 63, Subpart CCCCC (July 1, ~~2008~~2010).
- Subpart DDDDD Repealed - Reserved for National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 C.F.R. Part 63, Subpart DDDDD. This federal rule was vacated by a June 8, 2007 decision of the U.S. Court of Appeals for the District of Columbia Circuit.
- Subpart EEEEE National Emissions Standards for Hazardous Air Pollutants for Iron and Steel Foundries, 40 C.F.R. Part 63, Subpart EEEEE (July 1, 2010).
- Subpart ~~III.JJJ~~FFFFF National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing, 40 C.F.R. Part 63, Subpart FFFFF (July 1, ~~2008~~2010).
- Subpart GGGGG National Emission Standards for Hazardous Air Pollutants: Site Remediation, 40 C.F.R. Part 63, Subpart GGGGG (July 1, 2010).
- Subpart HHHHH National Emissions Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing, 40 C.F.R. Part 63, Subpart HHHHH (July 1, 2010).
- Subpart IIIII National Emissions Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants, 40 C.F.R. Part 63, Subpart IIIII (July 1, 2010).
- Subpart ~~III.KKK~~JJJJJ Repealed - Reserved for National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Manufacturing, 40 C.F.R. Part 63, Subpart JJJJJ.

This federal rule was vacated by a March 13, 2007 decision of the U.S. Court of Appeals for the District of Columbia Circuit.

Subpart ~~III.LLLKKKKK~~- Repealed - Reserved for National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing, 40 C.F.R. Part 63, Subpart KKKKK This federal rule was vacated by a March 13, 2007 decision of the U.S. Court of Appeals for the District of Columbia Circuit.

Subpart ~~III.MMMLLLLL~~- National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing, 40 C.F.R. Part 63, Subpart LLLLL (July 1, ~~2008~~2010).

Subpart ~~III.NNNMMMMM~~- National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication, 40 C.F.R. Part 63, Subpart MMMMM (July 1, ~~2008~~2010).

Subpart ~~III.OOONNNNN~~- National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production, 40 C.F.R. Part 63, Subpart NNNNN (July 1, ~~2008~~2010).

Subpart ~~III.PPPPP~~- National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands, 40 C.F.R. Part 63, Subpart PPPPP (July 1, ~~2008~~2010).

Subpart QQQQQ National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities, 40 C.F.R. Part 63, Subpart QQQQQ (July 1, 2010).

Subpart RRRRR National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing, 40 C.F.R. Part 63, Subpart RRRRR (July 1, 2010).

Subpart ~~III.QQQSSSSS~~- National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing, 40 C.F.R. Part 63, Subpart SSSSS (July 1, ~~2008~~2010).

Subpart ~~III.RRRWWWW~~- National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production, 40 C.F.R. Part 63, Subpart WWWW (July 1, ~~2008~~2010).

Subpart ~~III.TTTTT~~- National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining, 40 C.F.R. Part 63, Subpart TTTTT (July 1, ~~2008~~2010).

Subpart YYYYY National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities, 40 C.F.R. Part 63, Subpart YYYYY (July 1, 2010).

Subpart ZZZZZ National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources, 40 C.F.R. Part 63, Subpart ZZZZZ (July 1, 2010).

Subpart ~~III.JJJFFFFF~~- National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting, 40 C.F.R. Part 63, Subpart FFFFF (July 1, ~~2008~~2010).

Subpart GGGGGG National Emission Standards for Hazardous Air Pollutants for Area Sources: Primary Nonferrous Metals: Zinc, Cadmium, and Beryllium, 40 C.F.R. Part 63, Subpart GGGGGG (July 1, 2010).

Subpart ~~III.LLLLLL~~- ___ National Emission Standards for Hazardous Air Pollutants for area sources: Acrylic and Modacrylic Fibers Production, 40 C.F.R. Part 63, Subpart LLLLLL (July 1, ~~2008~~2010).

Subpart ~~III.MMMMMM~~- ___ National Emission Standards for Hazardous Air Pollutants for area sources: Carbon Black Production, 40 C.F.R. Part 63, Subpart MMMMMM (July 1, ~~2008~~2010).

Subpart ~~III.NNNNNN~~- ___ National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing area sources: Chromium Compounds, 40 C.F.R. Part 63, Subpart NNNNNN (July 1, ~~2008~~2010).

Subpart ~~III.OOOOOO~~- ___ National Emission Standards for Hazardous Air Pollutants for area sources: Flexible Polyurethane Foam Production and Fabrication, 40 C.F.R. Part 63, Subpart OOOOOO (July 1, ~~2008~~2010).

Subpart ~~III.PPPPPP~~- ___ National Emission Standards for Hazardous Air Pollutants for area sources: Lead Acid Battery Manufacturing, 40 C.F.R. Part 63, Subpart PPPPPP (July 1, ~~2008~~2010).

Subpart ~~III.QQQQQQ~~- ___ National Emission Standards for Hazardous Air Pollutants for area sources: Wood Preserving, 40 C.F.R. Part 63, Subpart QQQQQQ (July 1, ~~2008~~2010).

IV. Air Pollution Permits To Limit the Potential to Emit Hazardous Air Pollutants

IV.A. Applicability

IV.A.1. Sources may voluntarily apply for permit conditions to limit the source's potential to emit hazardous air pollutants in accordance with this section IV and the procedural provisions of the Construction or Operating Permit programs in Regulation No. 3.

IV.A.2. Under this section IV, a source may apply for and obtain state-only or federally enforceable permit limits, as appropriate, for selected emissions units or for all units that emit hazardous air pollutants. However, the Division shall not indicate in this permit that the source is exempt from specific provisions of the Federal or state Acts unless all relevant emissions units and pollutants are included in the permit review.

IV.A.3. The Division shall issue permits to limit the potential to emit hazardous air pollutants to applicants who qualify pursuant to this section IV and the procedural provisions of Regulation No. 3.

IV.A.4. A source that has initially avoided regulation as a major source under this regulation or Regulation No. 3 by limiting its potential to emit, but that subsequently

IV.A.4.a. becomes an affected source, as defined in section I of this Regulation, because an applicable standard established pursuant to section 112 of the Federal Act establishes a lower threshold, shall meet the applicable standard unless it has obtained a reviewed permit that limits its potential to emit below the federally established threshold; or

IV.A.4.b. becomes subject to a standard promulgated under section 25-7-109.3, C.R.S., must meet the applicable standard unless it has obtained a revised permit that limits its potential to emit below the trigger threshold for the Colorado standard.

IV.B. Permits

IV.B.1. The owner or operator of a source with emissions of hazardous air pollutants may apply for a permit under this regulation in order to voluntarily limit hazardous air pollutant emissions below emissions thresholds requested in the application by means of practically enforceable permit conditions.

IV.B.2. The permit shall include practically enforceable permit conditions necessary to limit emissions of hazardous air pollutants below emissions thresholds requested in the application and

IV.B.2.a. operating and maintenance plans for all control equipment and control practices necessary to comply with such permit conditions and

IV.B.2.b. a proposed recordkeeping format for demonstrating compliance on an ongoing basis with such permit conditions.

IV.B.3. All emission limitations, controls, and other requirements that are imposed by the permit shall be at least as stringent as any applicable requirements contained in the Colorado State Implementation Plan or enforceable hereunder; no permit issued under this section IV may waive, or make less stringent, any limitations or requirements that are contained in or issued pursuant to the State Implementation Plan or that are otherwise federally enforceable.

IV.B.4. The permit may include alternative operating scenarios that shall include specific monitoring, recordkeeping, and reporting methods.

IV.C. Permit Application Requirements

IV.C.1. An application for a permit to limit the potential to emit hazardous air pollutants shall be prepared on forms supplied by the Division, which shall be consistent with this section IV.

IV.C.2. The applicant shall furnish all information and data required by the Division to evaluate the permit application and make its preliminary analysis in accordance with this section IV and the procedural provisions of Regulation NO. 3, Part B, including, but not limited to:

IV.C.2.a. an operating and maintenance plan for all control equipment and control practices necessary to limit emissions of hazardous air pollutants below emissions thresholds requested in the application; and

IV.C.2.b. a proposed recordkeeping format for demonstrating compliance on an ongoing basis with permit conditions necessary to limit emissions of hazardous air pollutants below emissions thresholds requested in the application.

IV.C.3. The applicant may propose permit conditions and alternative operating scenarios.

IV.C.4. Emissions calculations or determinations shall include fugitive emissions of federal hazardous air pollutants as defined in Appendix A of this regulation.

IV.C.5. The Division may, for the purpose of assuring state-only or federal and practical enforceability, require additional or different permit conditions than proposed by the permit applicant; however, the applicant may decline to accept the conditions and elect instead to forgo limits on its potential to emit or pursue any right of appeal or other available alternative.

IV.D. Public Participation Requirement

Permits processed under this regulation are subject to the public comment requirements of Regulation No. 3, Part B, section IV.C.

IV.E. If a source qualifies for a permit under this section IV and concurrently qualifies for a permit to limit its potential to emit criteria pollutants under Regulation No. 3, the Division may issue a single permit to achieve both purposes. Nothing herein shall restrict a source's right to obtain a permit under Regulation No. 3, which limits its potential to emit both criteria pollutants and hazardous air pollutants.

IV.F. Modification or Reopening of the Permit

A permit issue pursuant to this section IV does not excuse a source from any obligation to apply for a permit modification or comply with any applicable requirements arising from changed circumstances, unless the permit authorizes the activity or change.

IV.G. Compliance on an ongoing basis

Failure to assure compliance on an ongoing basis with the permit conditions shall be grounds for an enforcement action.

IV.H. Interim Federal Enforceability Procedure (in effect until EPA provides written approval of these rules)

IV.H.1. Until such time as EPA approves the state rules, the source shall comply with this section in order to make the permit federally enforceable.

IV.H.2. After the Division issues a permit to limit the potential to emit hazardous air pollutants to a source that emits federal hazardous air pollutants, the responsible official for the source shall submit to EPA and the Division a written statement on a form supplied by the Division, certifying that the source is in compliance with all permit conditions and that the source accepts Federal and citizen enforcement of the conditions contained in the permit.

IV.H.3. The permit becomes federally enforceable when EPA receives the signed statement required by this section IV.H.

V. Construction or Reconstruction of Major Sources

The regulations promulgated by the U. S. Environmental Protection Agency listed in this section are hereby incorporated by reference by the Air Quality Control Commission and made a part of the Colorado Air Quality Control Commission Regulations. Materials incorporated by reference are those in existence as of the dates indicated and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246, or may be examined at [the State Publications](#)

Depository and Distribution Center~~any state publications depository library~~. Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission.

Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major sources, 40 C.F.R. Part 63, Subpart B - Requirements for Control Technology, December 27, 1996 (61 FR 68384), Effective June 29, 1998, and as amended on June 30, 1999 (64 FR 35029), and May 25, 2000 (65 FR 34010).

Hazardous Air Pollutants: Regulations Governing Case-by-Case Determinations of Equivalent Emission Limitations, 40 C.F.R. Part 63, Subpart B, Table 1 – Requirements for Control Technology, (July 1, 2005) and as amended on July 11, 2005 (70 FR 39662).

VI. Statements of Basis, Specific Statutory Authority and Purpose for Part E

VI.BB. June 17, 2010

Incorporations by reference of federal amendments to federal standards in 40 C.F.R. Part 63 into Regulation Number 8, Part E.

Background

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. (1988), Sections 24-4-103(4) and (12.5) for adopted or modified regulations, and with the requirements of federal regulations incorporated by reference.

Basis

The EPA has promulgated new standards in 40 C.F.R. Part 63, Subparts YYYYYY and ZZZZZZ and revisions to Subpart A. The State of Colorado is required under Section 112 of the Clean Air Act to adopt such revisions and new standards into its regulations. This rulemaking adopts these revisions.

Authority

Sections 25-7-105(1)(b) and 25-7-109(2)(h) and -109(4), C.R.S. (1999) authorize the commission to adopt emission control regulations and emission control regulations relating to hazardous air pollutants respectively.

Purpose

Adoption of the federal amendments to federal standards in 40 C.F.R. Part 63 will make these revisions enforceable under Colorado law.

Further, these revisions will include corrections of any typographical, grammatical and formatting errors throughout the regulation.